

**FIFTEENTH DAY**

(Continued)

(Friday, February 5, 1971)

**After Recess**

The Senate met at 11:00 o'clock a.m., and was called to order by the President.

Reverend W. H. Townsend, Chaplain, offered the invocation.

**Senate Resolution 226**

Senator Patman offered the following resolution:

S. R. No. 226, Requesting that Governor request the Secretary of Agriculture to allow the State of Texas and the Texas State Department of Health sufficient time to bring all meat handling establishments under full compliance of the federal law.

PATMAN  
CONNALLY

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Patman and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Patman the resolution was adopted.

**Co-Author of Senate Resolution 226**

On motion of Senator Patman and by unanimous consent, Senator Connally will be shown as Co-author of S. R. No. 226.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
February 5, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

S. B. No. 1, A bill to be entitled "An Act amending Section (Z), Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as added, to exempt from the Limited Sales, Excise and Use Tax the receipts from the leasing or licensing of motion picture films of any kind to or by licensed television stations; and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Resolutions Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. J. R. No. 5.

H. J. R. No. 21.

H. C. R. No. 24.

H. C. R. No. 23.

**Senate Bill on First Reading**

The following bill was introduced, read first time and referred to the Committee indicated:

By Senator Creighton:

S. B. No. 260, A bill to be entitled "An Act adopting the Water Code, a formal revision of the general and permanent statutes relating to water rights, water development, water quality control, river compacts, and general law districts; repealing the statutes replaced by the code; and declaring an emergency."

To Committee on Water and Conservation.

**House Concurrent Resolution 26 on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 26, Memorial resolution for William J. Marsh.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 17 on  
Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 17, Designating Trash Round-Up Week in Texas.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 27 on  
Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 27, Commending William Pierson for his patriotism.

The resolution was read.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 16 on  
Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 16, Inviting H. Ross Perot to address a Joint Session of the Texas Legislature on Friday, February 12, 1971, at 2:30 p.m.

The resolution was read.

On motion of Senator Bernal and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 18**

Senator Kennard offered the following resolution:

S. C. R. No. 18, Providing for the appointment of Texas State Artist.

The resolution was read.

On motion of Senator Kennard and by unanimous consent, the resolution was considered immediately and was adopted.

**Recess**

On motion of Senator Patman the Senate at 11:30 o'clock a.m., took recess until 1:00 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 1:00 o'clock p.m. today.

**Leaves of Absence**

Senator Bates was granted leave of absence for the remainder of today on account of important business on motion of Senator Aikin.

Senator Harris was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

Senator Moore was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

Senator Ratliff was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

Senator Sherman was granted leave of absence for the remainder of today on account of important business on motion of Senator Hightower.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
February 5, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. J. R. No. 17, An Act proposing an amendment to Art. III, Sec. 49-c and 49-d, of the Texas Constitution, providing for use of not more than 10 percent of the amount of money in the Water Development Fund for construction of waste treatment facilities.

S. J. R. No. 15, Proposing an amendment to Article III, Section 24, of the Texas Constitution, to establish a commission to set rules of ethics for legislators and state officers and employees of the legislature and to prescribe compensation for legislators, the Lieutenant Governor, and the Speaker of the House of Representatives.

(With amendments.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**At Ease**

The President announced that the Senate would stand At Ease Subject to the Call of the Chair at 1:02 o'clock p.m.

**In Legislative Session**

The President called the Senate to order as In Legislative Session at 1:08 o'clock p.m. today.

**Senate Joint Resolution 15  
with House Amendments**

Senator Kennard called S. J. R. No. 15 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the following House amendments before the Senate:

**Amendment No. 1**

Amend S. J. R. No. 15 by striking all below the resolving clause and substituting in lieu thereof the following:

Section 1. That Article III, Section 24 of the Texas Constitution, be amended to read as follows:

"Section 24. (1) The State Ethics Commission is created as an agency of the state. The commission consists of nine members. Three members shall be appointed by the Chief Justice of the Supreme Court of Texas with the advice and consent of the Associate Justices serving on the Court, three members shall be appointed by the Presiding Judge of the Court of Criminal Appeals of Texas with the advice and consent of the other Judges serving on the Court, and three members shall be appointed by the Chairman of the State Judicial Qualifications Commission with the advice and consent of the other members of the Commission, of each group of three appointees no more than two shall be attorneys engaged in the active practice of law. In addition thereto there shall be two ex officio members, one from the House of Representatives and one from the Senate to be elected on the first day of each regular session of the Legislature by a majority of the membership of each house for a term ending on the first day of the next regular session.

"(2) With the exception of the initial appointees, each member shall

hold office for a term of six (6) years and until his successor is appointed and has qualified. In making the initial appointments, each appointing officer shall designate one (1) appointee to serve for a term of two (2) years; one (1) appointee to serve for a term of four (4) years, and one (1) appointee to serve a term of six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. The membership shall designate one of its members to serve as chairman for a period of two years.

"(3) The members of the commission shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

"(4) The commission shall recommend the compensation, per diem, and mileage allowance of members of the Legislature, and may recommend the salary of the Speaker of the House of Representatives and the Lieutenant Governor at an amount higher than that of other members notwithstanding any provision to the contrary of Article IV, Section 17, of the Texas Constitution.

"(5) The commission shall promulgate rules of ethics to govern the conduct of all legislators, legislative officers and all officeholders, appointive or elective, of any office, department, district agency, commission, board or any governmental unit or branch established by or under the authority of the Constitution and laws of the state of Texas and all persons who shall use any privilege of the floor in either house of the legislature. The Texas State Ethics Commission shall further promulgate rules providing that each member of the legislature and each of the hereinabove named officeholders upon election and any appointee to any of these offices shall file with the State Ethics Commission a statement under oath setting out a complete financial statement in detail within 10 days after being elected or receiving an appointment. This information shall be privileged information to the State Ethics Commission to be used only by them to determine if there exists a conflict of interests or if there is or has been a violation of any of the rules of ethics promulgated by the Texas State Ethics Commission or any laws of the State of Texas. The Legislature shall enact statutes deal-

ing with unauthorized disclosure or misuse of said privileged information.

"(6) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet in Austin at least once each year to review existing rules of ethics, legislative compensation rates, mileage allowances and per diem rates, and to make any changes deemed necessary.

"(7) All rules of ethics, compensation rates, mileage allowances or per diem rates currently in force, as well as all changes and recommendations by the State Ethics Commission shall be promulgated before the convening of any session of the legislature by filing a certified copy of the proclamation with the Secretary of State.

(a) Each rule of ethics or change thereof made by the commission shall take effect on the 15th day of the legislative session following the proclamation unless disapproved before that day by resolution of either house of the legislature.

(b) All rates of compensation, mileage allowances or per diem rates and all changes and recommendations made by the commission thereof shall not take effect until approved section by section by resolution of both houses of the legislature.

All votes on these resolutions or parts thereof shall show the individual votes in the respective journals of both houses.

"(8) The commission shall investigate any alleged violation of any rule of ethics promulgated by it and report its findings to the appropriate state agency, official, legislative body, grand jury or district attorney.

"(9) Until otherwise provided by the commission, each member of the legislature shall receive from the public treasury an annual salary of \$4,800 per year and per diem not exceeding twelve (\$12) per day for the first 120 days only of each Regular Session and for thirty days of each Special Session of the legislature. No Regular Session shall be of longer duration than 140 days. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed two dollars and fifty cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct

route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter established; no Member to be entitled to mileage for any extra Session that may be called within one day after adjournment of the Regular or Called Session."

"(10) The commission is further authorized to recommend to each Legislature changes which will update, improve, and effect economy in the legislative process.

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the 18th day of May, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to create a State Ethics Commission empowered to set rules of ethics for members of the Legislature, State Officers and Legislative Officers, to investigate violations thereof, and to recommend compensation for members of the Legislature and the Lieutenant Governor and recommend improvements and economy in the legislative process."

#### Amendment No. 2

Amend S. J. R. No. 15, House 2nd Printing, by striking all above the Resolving Clause and substituting in lieu thereof the following:

"Proposing an amendment to Article III, Section 24, of the Texas Constitution, to establish a commission to set rules of ethics and rules for filing of financial statements for legislators and State officers and officers of the Legislature and to prescribe compensation for legislators, the Lieutenant Governor, and the Speaker of the House of Representatives, and to recommend improvements and economy in the Legislative process."

The House amendments were read.

Senator Kennard moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

The President requested instructions for the conferees prior to appointment.

There were no instructions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Kennard, Brooks, Mauzy, Hightower and Hall.

### Recess

On motion of Senator Aikin the Senate at 1:10 o'clock p.m. took recess until 1:40 o'clock p.m. today.

### After Recess

The President called the Senate to order at 1:40 o'clock p.m.

### Vote by Which Senate Refused to Concur in House Amendments to Senate Joint Resolution 15 Reconsidered

Senator Kennard moved to reconsider the vote by which the Senate refused to concur in House amendments to S. J. R. No. 15.

Senator Mauzy moved the Previous Question on the motion to reconsider the vote by which the Senate refused to concur in House amendments to S. J. R. No. 15 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

### Yeas—20

Aikin	Hightower
Beckworth	Jordan
Bernal	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	Patman
Creighton	Wallace
Hall	Watson
Harrington	Wilson
Herring	Word

### Nays—5

Blanchard	Schwartz
Connally	Snelson
Grover	

### Absent

McKool

### Absent—Excused

Bates	Ratliff
Harris	Sherman
Moore	

The motion to reconsider the vote by which the Senate refused to concur in House amendments to S. J. R. No. 15 prevailed.

Question—Shall the Senate concur in House amendments to S. J. R. No. 15?

Senator Kennard moved that the Senate concur in House amendments to S. J. R. No. 15.

Senator Jordan moved the Previous Question on the motion to concur in House amendments to S. J. R. No. 15 and the motion was duly seconded.

Question—Shall the Previous Question now be ordered?

The Previous Question was ordered by the following vote:

### Yeas—19

Aikin	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Bridges	McKool
Brooks	Patman
Christie	Wallace
Creighton	Watson
Herring	Wilson
Hightower	Word
Jordan	

### Nays—7

Blanchard	Harrington
Connally	Schwartz
Grover	Snelson
Hall	

### Absent—Excused

Bates	Ratliff
Harris	Sherman
Moore	

The motion to concur in House amendments to S. J. R. No. 15 prevailed by the following vote:

### Yeas—25

Aikin	Christie
Beckworth	Connally
Bernal	Creighton
Blanchard	Hall
Bridges	Harrington
Brooks	Herring

Hightower	Schwartz
Jordan	Snelson
Kennard	Wallace
Kothmann	Watson
Mauzy	Wilson
McKool	Word
Patman	

**Nays—1**

Grover

**Absent—Excused**

Bates	Ratliff
Harris	Sherman
Moore	

**Bill and Resolution Signed**

The President signed in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S. B. No. 1.

S. J. R. No. 17.

**At Ease**

On motion of Senator Aikin and by unanimous consent, the Senate at 2:17 o'clock p.m. agreed to stand At Ease Subject to the Call of the Chair.

(President Pro Tempore in Chair.)

**In Legislative Session**

The President Pro Tempore called the Senate to order as In Legislative Session at 2:47 o'clock p.m.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
February 5, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 29, Memorializing the Congress of the United States to exercise its power in ameliorating the stringent restrictions of the Wholesale Meat Act of 1967.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**At Ease**

On motion of Senator Brooks and by unanimous consent, the Senate at

2:48 o'clock p.m. agreed to Stand at Ease Subject to the Call of the Chair.

**In Legislative Session**

The President called the Senate to order as In Legislative Session at 4:10 o'clock p.m.

**Resolution Signed**

The President signed in the presence of the Senate, after the caption had been read, the following enrolled resolution:

S. J. R. No. 15.

**Memorial Resolutions**

S. R. No. 227—By Senator Watson: Memorial resolution for Arthur L. Mitchell.

S. R. No. 228—By Senator Watson: Memorial resolution for J. H. Bennett.

S. R. No. 229—By Senator Watson: Memorial resolution for W. H. Gray.

S. R. No. 230—By Senator Watson: Memorial resolution for Orion Willmire Plummer.

S. R. No. 231—By Senator Watson: Memorial resolution for Bert Tally.

S. R. No. 232—By Senator Watson: Memorial resolution for David M. Massey.

S. R. No. 233—By Senator Watson: Memorial resolution for Jack Benoit.

S. R. No. 234—By Senator Watson: Memorial resolution for A. L. Ragsdale.

S. R. No. 235—By Senator Watson: Memorial resolution for Mrs. I. M. (Minnie) Phillips.

S. R. No. 236—By Senator Watson: Memorial resolution for David A. Cheavens (amended).

S. R. No. 237—By Senator Snelson: Memorial resolution for Frank Dickey, Sr.

**Welcome Resolutions**

S. R. No. 238—By Senator McKool: Extending welcome to John Geddie.

S. R. No. 239—By Senator Watson: Extending welcome to Keith Kennedy.

S. R. No. 240—By Senator Watson: Extending welcome to Dr. Abner V. McCall.

S. R. No. 241—By Senator Schwartz: Extending welcome to Mr. and Mrs. B. M. Jamison et al.

### Adjournment

On motion of Senator Herring the Senate at 4:11 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 8, 1971.

## APPENDIX

### Sent to Governor

February 5, 1971

S. C. R. No. 16

S. C. R. No. 17

S. J. R. No. 5

S. B. No. 1

S. J. R. No. 17

S. J. R. No. 15

## SIXTEENTH DAY

(Monday, February 8, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 5, 1971 was dispensed with and the Journal was approved.

### Reports of Standing Committees

Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 12.

S. B. No. 222.

S. C. R. No. 7.

Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

S. B. No. 235 (Floor Report).

### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator McKool:

S. B. No. 257, A bill to be entitled "An Act including income of insurers from all sources in the factors to be considered in setting rates of insurance premiums and prescribing a rate base; amending Article 5.01, Texas Insurance Code, as amended; and declaring an emergency."

To Committee on Insurance.

By Senator McKool:

S. B. No. 258, A bill to be entitled "An Act relating to the use of electronic recording devices by court reporters; amending Article 2324, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 259, A bill to be entitled "An Act relating to the leasing of certain areas to the National Audubon Society for the purpose of propagating, protecting, and conserving birds and bird life; amending Section 1, Chapter 20, General Laws, Acts of the 37th Legislature, 1st Called Session, 1921, as reenacted and amended; and declaring an emergency."